

June 27, 2025

Esteban Danna, Senior Planner
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024
Email: edanna@encinitasca.gov

Subject: CEQA Comment on Ocean Bluff Way Residential Project – Loss of Public Ocean Views

Dear Mr. Danna,

I am writing to provide formal comments on the proposed Ocean Bluff Way Residential Project (CASCH# 2024080571) and the forthcoming Draft Environmental Impact Report (DEIR), pursuant to the California Environmental Quality Act (CEQA).

This letter specifically addresses one of the most concerning and potentially significant environmental impacts of the proposed project: **the permanent obstruction of existing blue-water ocean views currently visible from the public right-of-way along Ocean Bluff Way.**

Significant Visual Impacts Under CEQA

Under **CEQA Guidelines Appendix G**, a project may have a significant environmental impact if it: “Would have a substantial adverse effect on a scenic vista.”

In this case, the **blue-water ocean views** currently visible (see attached, Exhibit A – Photographs) from the **public streets and rights-of-way—Ocean Bluff Way and north end of Camino El Dorado**—qualify as **scenic vistas** under CEQA. The **scenic vista** is defined as a publicly accessible viewpoint that offers expansive and visually significant views of natural features. These views of the Pacific Ocean are of **high aesthetic value** and are currently unobstructed due to the vacant nature of the site. CEQA’s **Fair Argument Standard** and **Substantial Evidence** require a more rigorous evaluation and consideration of the proposed development’s **major adverse effect** on the taking of public’s blue-water ocean views along Ocean Bluff Way.

Given the **public accessibility** of these views and their **significant visual quality**, the project **will cause a substantial adverse effect** on these scenic vistas if the proposed development proceeds without changes to its design.

Inadequate Consideration of Scenic Resource Protection

The development, as proposed, includes:

- 27 two-story homes, all two-story structures, ranging up to approximately 3,625 square feet
- Minimal spacing between structures (~10 feet), with no visual corridors
- No identified visual easements or public view preservation features

The proposed massing and height of the housing structures would **eliminate or severely degrade** the public’s ability to enjoy **blue-water ocean views** from the public right-of-way. This is especially problematic given the site's location **within the California Coastal Zone**, where **scenic resource protection is both a CEQA and Coastal Act priority.**

Required CEQA Actions

The DEIR must, at minimum:

1. **Acknowledge and analyze the project's adverse effect on public blue-water ocean views as a significant impact on scenic vistas under CEQA.**
2. Evaluate **alternatives** that would reduce this impact, such as:
 - Reducing the number or height of units
 - Increasing setbacks from the bluff edge and public streets
 - Creating **visual corridors** or view easements to preserve public ocean visibility
3. Include **considered mitigation measures**, such as lower rooflines, stepped architecture, site layout reconfiguration, including but not limited to, clustering housing units away from primary view corridors.

Failure to disclose or mitigate these impacts would render the DEIR legally deficient under CEQA.

Precedent and Coastal Zone Considerations

In *Protect Niles v. City of Fremont (2018)* and *Mira Mar Mobile Community v. City of Oceanside (2004)*, California courts affirmed that **blocking views from public spaces**—even in developed or suburban settings—can constitute a **significant aesthetic impact**. These cases directly support the conclusion that similar impacts from the Ocean Bluff Project must be treated with the same level of rigor.

Additionally, the **California Coastal Act** requires protection of scenic resources and public views in coastal zones. The City of Encinitas, acting as the CEQA lead agency, is also obligated to uphold these provisions in its local Coastal Plan and CEQA review.

Conclusion

As currently designed, the Ocean Bluff Way Residential Project will have a **significant, unmitigated negative impact on scenic vistas and public ocean views**, in violation of CEQA's aesthetic resource protections.

I urge the City of Encinitas to require a full and honest analysis of these visual impacts in the DEIR and to reject any version of the project that does not adequately preserve public access to these iconic coastal views.

Sincerely,



John Rimbach

Exhibit A
Approximate Photo Locations
Ocean Bluff Way



Exhibit A
Ocean Bluff Way
Photograph Location #1



Exhibit A
Ocean Bluff Way
Photograph Location #2



Exhibit A
Ocean Bluff Way
Photograph Location #3



Exhibit A
Ocean Bluff Way
Photograph Location #4

